



Office of Administrative Services
Freedom of Information Act Office

November 7, 2016

Mr. Barry L. Williams, ALJ
3105 Clairmont Road
Atlanta, Georgia 30329

Dear Mr. Williams,

This is in reference to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2016-001235), submitted on August 31, 2016, in which you requested:

“(A) copy of the solicitation and copies of other documents used to acquire lease GS-04P-LGA60135, (a lease agreement to move ODAR Atlanta North to a location in Alpharetta, Georgia). This includes: solicitation and all amendments, acquisition strategy; competition strategy; negotiation strategy; market survey; description of requirements; request for proposals; list of offerors; advertisements; memo providing authority to negotiate directly with one lessor; cost benefit analysis; redacted copies of all bids, proposals, or quotations; justification and approval documents.”

Enclosed, please find our response to your request. In processing your request, we withheld non-responsive information that does not pertain to your request.

After a careful search of GSA records, GSA found no market survey, list of offerors, memo providing authority to negotiate directly with one lessor, or award letter.

In processing your request, GSA has withheld the initial proposal. This denial is based on the third statutory exemption under FOIA, which prohibits the release of contractor proposals not incorporated by reference in the lease pursuant to 41 U.S.C. § 253(b)(3).

Additionally, we withheld confidential lease information that GSA obtains from a commercial contractor, such as itemized operating costs and unit price costs. This denial is based on the fourth statutory exemption under FOIA, which permits an agency to withhold trade secrets and commercial or financial information obtained from a person and privileged or confidential pursuant to 5 U.S.C. § 552(b)(4). This information

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falls within the scope of this exemption, as public disclosure of this information is likely to cause substantial competitive harm to the business that furnished the information. This determination was made independently based upon my analysis and the content of the requested records.

GSA also withheld internal pre-decisional information about the procurement such as acquisition strategy, competition strategy, negotiation strategy, and cost benefit analysis due to the deliberative process privilege. This denial is based on the fifth statutory exemption of FOIA, 5 U.S.C. § 552(b)(5), which permits an agency to withhold "interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency." To release this information would harm the integrity of GSA's internal deliberative process.

Furthermore, we withheld personal handwritten signatures and cell phone numbers from leases and amendments to leases, under the sixth statutory exemption under FOIA which permits an agency to withhold personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(6).

Finally, we withheld lease security information, floor plans and design specifications from the leases and lease amendments. This is pursuant to the seventh statutory exemption of the FOIA (5 U.S.C. § 552(b)(7f)), which protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." GSA has determined that releasing such sensitive but unclassified information relating to our assets would compromise security at the facilities and the safety of persons at these facilities.

You have the right to appeal the partial denial of the information withheld. You can appeal the adequacy of GSA's search for the requested documents in the relevant files that yielded no records, by writing to GSA within 90 days of your receipt of this letter to the Freedom of Information Office. To do so, you must write, within 90 days of your receipt of this letter, to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H1F)
1800 F St. NW, Room 7308
Washington, DC 20405

Your appeal must be in writing and contain a brief statement of the reasons why the withheld information should be released or the basis for challenging the adequacy of GSA's search of relevant files stating reason(s) why GSA should have a copy of the requested records. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

This completes our action on this release. Should you have any questions, please contact Candace Eldridge at Candace.eldridge@gsa.gov. You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912 or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Travis Lewis

FOIA Program Manager

Enclosures